

## Referendum Complaints

### 1. Complaints

- 1.1 Any student can submit a complaint about a campaigner or about the referendum process until 1 hour after the close of voting. Complaint can be made on the following grounds:
  - a) Failure in good conduct of the referendum.
  - b) Behaviour and activities of campaigners and lead campaigners.
  - c) The administration of the referendum
  - d) A clear rule break.
- 1.2 Complaints raised after this point will not be accepted, except in relation to the conduct of the count.
- 1.3 Any student can submit a complaint about the conduct of the count within one day of the announcement of the results. Grounds for complaints are limited to there being a physical error in the count.
- 1.4 All complaints must be sent in writing by completing the Complaints Form, found here: [https://cityunilondon.eu.qualtrics.com/jfe/form/SV\\_3x8iET5gGDfWl82](https://cityunilondon.eu.qualtrics.com/jfe/form/SV_3x8iET5gGDfWl82)
- 1.5 Complaints will be heard in order they are submitted, normally within 2 working days.
- 1.6 Depending on the nature of the complaint, the Deputy Returning Officer may advise the complainant to also seek assistance in complaining via the University. Instances where this may happen could include, but are not limited to:
  - a) Experiences of racism
  - b) Bullying and harassment
  - c) Verbal or online abuse
- 1.7 The process by which a complaint is investigated is usually as follows:
  - a) Online complaints form submitted, and Deputy Returning Officer notified of completed form.
  - b) Complaints forms are reviewed by the chronological order they are received. When the Deputy Returning Officers starts investigating a complaint the complainant will normally receive a written acknowledgement.
  - c) The Deputy Returning Officer investigates the submitted evidence and assesses whether any further evidence is required as part of the investigation. At this point they may write or call parties involved to attain the required information.
  - d) Final decision based on evidence made and communicated to all parties involved.
  - e) Complaint closed.
- 1.8 The Deputy Returning Officer(s) will respond in writing and campaigners and complainants will be informed of any action taken.
- 1.9 When the Deputy Returning Officer(s) respond to a complaint, after investigating and reviewing or hearing evidence, they may decide to apply any of the following:
  - a) Not to uphold the complaint.
  - b) Suspend the referendum for a specified period pending investigation(s).
  - c) Apply sanctions to a campaign team.
  - d) Hold the referendum result and decide whether the basis of the complaint has any impact on the outcome of the vote.
  - e) Re-run the referendum.

- 1.10 Once the Deputy Returning Officer(s) has investigated and ruled on a complaint, a campaigner or campaign team may appeal the decision of the Deputy Returning Officer to the Returning Officer, except if a minor sanction has been ruled.
- 1.11 The appeal by the campaign team must be submitted by a Lead Campaigner and be made in writing to the Returning Officer within 24 hours of the decision being communicated.
- 1.12 To appeal a decision Lead Campaigners must complete the online Complaints Form found here: [https://cityunilondon.eu.qualtrics.com/jfe/form/SV\\_3x8iET5qGDfWI82](https://cityunilondon.eu.qualtrics.com/jfe/form/SV_3x8iET5qGDfWI82)
- 1.13 Appeals will normally be submitted if the decision of the Deputy Returning Officer is believed to be:
  - a) Procedurally incorrect.
  - b) Taken outside the scope of the powers of the Deputy Returning Officer.
  - c) Disproportionate.
- 1.14 The Returning Officer will normally rule on an appeal within 3 working days. The decision of the Returning Officer is final.

## **2. Sanctions**

- 2.1 A campaign team found in breach of the regulations during any stage of the referendum will be penalised, with any penalty being determined by the Returning Officer or Deputy Returning Officer.
- 2.2 Possible 'minor sanctions' with no appeal shall include:
  - a) A penalty to the campaign budget (if applicable).
  - b) Restrictions to participation at the Debate.
- 2.3 Other sanctions that may be determined by the Returning Officer or Deputy Returning Officer shall include:
  - a) A formal written warning which will be published on the Union website.
  - b) Campaigner disqualification, a notice of which will be published on the Union website.
- 2.4 Any student found to be interfering with the smooth running of the referendum, acting fraudulently or otherwise illegally may be referred for disciplinary action to:
  - a) The Union disciplinary panel under the Students' Union Bye-Law 13.
  - b) The University under Senate Regulation Student Discipline.